



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Mailed: AUG 31 2001

SB  
Paper Number 7

In re application of  
BECKER  
Serial No.: 09/574,987  
Filed: May 12, 2000  
VISIBLE LIGHT pH CHANGE FOR ACTIVATING  
POLYMERS AND OTHER pH DEPENDENT  
REACTANTS

**RESPONSE TO  
PETITION**

This is a response to the petition under 37 C.F.R. 1.144 filed on July 25, 2001 in Paper No. 6 to request reconsideration of the requirement for restriction as set forth in the Office action mailed March 28, 2001 Paper No. 3.

**RESPONSE**

Applicant has canceled all claims directed to the non-elected invention. The only claims currently present in the application are Claims 7-14 and 27-33, directed to the elected invention. Since none of the non-elected claims are present in the application, it can not be determined whether the restriction is proper or not. Without claims directed to the non-elected invention there is nothing to compare to the elected invention and thus impossible to evaluate the restriction requirement. Therefore this Petition will be **DISMISSED** until there are claims directed to the non-elected invention present in the application.

Applicant is advised that merely resubmitting the canceled claims would still not make the instant case ripe for consideration of a similar Petition. The Examiner needs to be afforded the opportunity to respond to Applicant's grounds of traversal (37 C.F.R. 1.144 & M.P.E.P. 818.03c). In the last Office Action of May 8, 2001, the Examiner only responded that Applicant's arguments were moot because the non-elected claims were canceled.

In view of the above discussion, the petition is **DISMISSED**.

Richard V. Fisher, Director  
Technology Center 1700

Serial No. 09/574,987

--2--

Chemical and Materials Engineering

COMMANDING OFFICE  
OFFICE OF PATENT COUNSEL CODE D0012  
Spawarsyscen San Diego Room 103  
53510 Silvergate Avenue  
San Diego CA 92152-5765